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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

13 JAZMIN MITCHELL,  
14 Plaintiff,

15 vs.

16 ANDREW SAUL,  
17 Commissioner of Social Security,  
18 Defendant.

)  
) Case No.: 3:21-cv-00177-WGC

)  
) **UNOPPOSED MOTION FOR EXTENSION OF**  
) **TIME TO FILE CERTIFIED**  
) **ADMINISTRATIVE RECORD AND ANSWER**  
) **OR OTHERWISE RESPOND TO PLAINTIFF'S**  
) **COMPLAINT; DECLARATION OF JEBBY**  
) **RASPUTNIS**  
) **(FIRST REQUEST)**

1 Defendant, Andrew Saul, Commissioner of Social Security (the Commissioner), by and through his  
2 undersigned attorneys, hereby moves for a 60-day extension of time to file Defendant's Electronic Certified  
3 Administrative Record (eCAR) and answer or otherwise respond to Plaintiff's Complaint. Defendant's  
4 eCAR and Answer to Plaintiff's Complaint are due to be filed by July 6, 2021.<sup>1</sup> This is Defendant's first  
5 motion for extension of time to file the eCAR. In support of this request, Defendant states the following:  
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7 1. The COVID-19 pandemic significantly impacted Defendant's operations, and particularly  
8 the Office of Appellate Operations (OAO).<sup>2</sup> Beginning in mid-March 2020, OAO's staff members began  
9 to telework to protect employee health and prevent the spread of COVID-19. *See* Declaration of Jebby  
10 Rasputnis dated June 14, 2021, ¶ 2. As a result, critical in-person physical tasks associated with preparing  
11 CARs could not be accomplished. *Id.* To ensure continuity of operations, OAO redesigned its business  
12 practices to allow for a mostly virtual preparation process. *Id.* ¶ 2. The transition required, among other  
13 things, OAO to modify and test technology, retrain staff, and modify blanket purchasing agreements with  
14 the transcription typing services relied upon to prepare transcripts of agency hearings. *Id.* OAO has  
15 continued to innovate in order to improve productivity.  
16

17 2. As a result of these innovations, OAO is now able to produce, on average, more than 700  
18 transcripts each work week, compared to 300-400 transcripts per week prior to the COVID-19 pandemic.  
19 *Id.* ¶ 3. The overall processing time for a CAR has also improved to, on average, 138 days. *Id.* ¶ 6.  
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21 3. There remains, however, a substantial backlog of cases to be processed that continues to  
22 cause unavoidable delays in eCAR preparation. In addition to the impact the COVID-19 pandemic has had  
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24 <sup>1</sup> The instant complaint contains constitutional allegations not contained in ordinary Social Security  
25 appeals.

26 <sup>2</sup> OAO is based in Falls Church, Virginia, and is the office responsible for physically producing the  
certified administrative records for cases nationwide that are filed under Sections 205(g) and (h) of the  
Social Security Act, 42 U.S.C. § 405(g) and (h).

1 on physical operations, a major contributing factor is the substantial increase in district court filings (which  
2 is a direct result of reducing backlogs at the final stage of the administrative review process). *Id.* ¶¶ 4-5.  
3 New case receipts during the last quarter of FY 2020 and the first quarter of FY 2021 increased (on average)  
4 to 2,257 case receipts per month, as compared to 1,458 per month for the same period one year before. *Id.*  
5 ¶ 4 at n.2. Although the backlog still remains high, OAO's efforts at increasing eCAR production has  
6 started to have an impact; the backlog has dropped by 4,182 cases over the last four months between the  
7 end of January 2021 and June 8, 2021, to 6,927 pending cases. *Id.* ¶ 4.  
8

9 4. The COVID-19 pandemic has significantly impacted Defendant's operations, but  
10 significant steps have and continue to be taken to revamp work processes to enable production of eCARs  
11 as quickly as possible. Accordingly, the Commissioner respectfully requests that the Court grant this  
12 Motion and permit an additional sixty days, until September 7, 2021, for the Commissioner to file his  
13 responsive pleading and the eCAR in this action.  
14

15 5. Defendant's counsel has consulted with Plaintiff's counsel regarding this request.  
16 Plaintiff's counsel does not oppose Defendant's request for a sixty-day extension of time.

17 WHEREFORE, Defendant respectfully requests that the Court enter an Order granting Defendant  
18 a sixty-day extension of time until September 7, 2021, in which to file his eCAR and Answer or otherwise  
19 respond to Plaintiff's Complaint in this action.  
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1 Dated: June 30, 2021

2 CHRISTOPHER CHIOU  
Acting United States Attorney

3 /s/ Allison J. Cheung  
4 ALLISON J. CHEUNG  
Special Assistant United States Attorney

7 IT IS SO ORDERED:

8 Walter G. Cobb  
9 UNITED STATES MAGISTRATE JUDGE

10 DATED: July 1, 2021